

**IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI**

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

V.

CIVIL ACTION NO.: CO2010-2711CD

JOEL D. BOWEN, et al

DEFENDANTS

AGREED JUDGMENT AND ORDER OF DISBURSEMENT

In the cause, Plaintiff, MISSISSIPPI TRANSPORTATION COMMISSION, brought an action to condemn property as described in the Complaint filed herein and described in Exhibit "A" attached hereto and incorporated herein, and the landowner Defendants, JOEL D. BOWEN and CATHLEEN J. BOWEN, were duly served with process of this Court. And, the Court having found that the parties have reached an Agreement, does find and adjudicate as follows:

1. This Court has jurisdiction of the parties and subject matter herein.
2. The Court being advised by counsel for the Plaintiff and counsel for the Defendants, JOEL D. BOWEN and CATHLEEN J. BOWEN, that the fair market value representing just compensation due the Defendants for the condemnation of the lands described in Exhibit "A" is Forty Thousand and 00/100 Dollars (\$40,000.00), and that said amount represents a full and complete settlement of all issues before the Court. Further, the parties hereto, have specifically waived the impaneling of a jury, and Defendants acknowledge to the Court that the amount of Forty Thousand and 00/100 Dollars (\$40,000.00) constitutes full and just compensation due the Defendants for the land and any

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and all damages or other rights pertaining to said land, and is in full and complete settlement of all issues resulting from the condemnation described in the Complaint filed herein.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this Agreed Judgment shall be entered in the cause; that the impaneling of a jury is waived by all parties; that the MISSISSIPPI TRANSPORTATION COMMISSION is hereby awarded title and possession of the lands described in Exhibit "A" attached hereto upon the payment of Forty Thousand and 00/100 Dollars (\$40,000.00), to Defendants, JOEL D. BOWEN, CATHLEEN J. BOWEN and REGIONS BANK, d/b/a REGIONS MORTGAGE, jointly; and the parties shall be bound by this Agreed Judgment the same as if there had been a jury trial and a decision rendered accordingly; that this Agreed Judgment shall be duly recorded in the Land Deed Records of DeSoto County, Mississippi, confirming title to said lands to the MISSISSIPPI TRANSPORTATION COMMISSION; and that all costs of court are assessed to Plaintiff.

IT IS FURTHER ORDERED AND ADJUDGED that the MISSISSIPPI TRANSPORTATION COMMISSION already deposited with the Court the sum of \$28,400.00, on March 10, 2011, and same has been fully disbursed to the Defendants, and credit is given to the Plaintiff for said \$28,400.00; that the MISSISSIPPI TRANSPORTATION COMMISSION shall deposit an additional \$11,600.00, into the registry of the Circuit Court, and the Circuit Court Clerk of DeSoto County, Mississippi is hereby ordered to disburse the sum of \$11,600.00, to JOEL D. BOWEN, CATHLEEN J.

BOWEN and REGIONS BANK, d/b/a REGIONS MORTGAGE, jointly, without further
Order of this Court.

SO ORDERED AND ADJUDGED, this the 21st day of May, A.D., 2012.

Allen B. Gunt
JUDGE, SPECIAL COURT OF
EMINENT DOMAIN

SUBMITTED BY:

R. G. Noble
RICHARD G. NOBLE, ESQ., MB #3868

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Special Counsel for Mississippi Transportation Commission

STATE OF MISS., DESOTO COUNTY
CERTIFIED A TRUE COPY

MAY 22 2012

DALE K. THOMPSON, CIRCUIT CLERK

BY L. Burns D.C.



APPROVED:

Joel D. Bowen

JOEL D. BOWEN, Defendant

Cathleen J. Bowen

CATHLEEN J. BOWEN, Defendant

Paul R. Scott

PAUL R. SCOTT, ESQ., MB #6575

Attorney for Joel D. Bowen and Cathleen J. Bowen

REGIONS BANK, d/b/a REGIONS MORTGAGE

By: Attached Signature Page
Authorized Official

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CT&N, PLLC

BOWEN and REGIONS BANK, d/b/a REGIONS MORTGAGE, jointly, without further
Order of this Court.

SO ORDERED AND ADJUDGED, this the _____ day of _____, A.D., 2012.

JUDGE, SPECIAL COURT OF
EMINENT DOMAIN

SUBMITTED BY:

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Special Counsel for Mississippi Transportation Commission

APPROVED:

JOEL D. BOWEN, Defendant

CATHLEEN J. BOWEN, Defendant

PAUL R. SCOTT, ESQ., MB #6575
Attorney for Joel D. Bowen and Cathleen J. Bowen

REGIONS BANK, d/b/a REGIONS MORTGAGE

By: 

Authorized Official
Vice President

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. 2711CDJOEL BOWEN AKA JOEL D. BOWEN, JOEL DOUGLAS
BOWEN, ET UX CATHLEEN BOWEN

DEFENDANTS

EXHIBIT "A"

INDEXING INSTRUCTIONS: SW 1/4 of the SW 1/4 of Section 32, T-2-S, R-6-W, DESOTO
COUNTY, MISSISSIPPI

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of 0.999954285 and a grid to geodetic azimuth angle of (+) 00 degrees 14 minutes 09 seconds developed at the approximate center of Project No. STP-0029-02(013) 102556/201000]. It is the intent of this description to convey that portion of the Defendants' property lying within the proposed right-of-way lines as defined by said project.

Commencing at an iron pin found in the center of Byhalia Road at the southwest corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said point having a coordinate value of N:1950540.33, E:2436781.36 on the above referenced coordinate system, thence North 00 degrees 11 minutes 37 seconds East a distance of 40.00 feet to the north right of way line of Byhalia Road; thence along the apparent north right of way line of Byhalia Road, North 89 degrees 51 minutes 08 seconds East a distance of 556.01 feet, to a 1/2 inch rebar set at the Defendants' southwest property corner (Book 370, Page 201) and the **Point of Beginning**;

- From said **Point of Beginning** run along the Defendants' western property line, North 12 degrees 18 minutes 48 seconds West a distance of 84.79 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line for the above reference project;
- Thence run along the proposed right of way line, South 89 degrees 49 minutes 59 seconds East a distance of 391.98 feet to a 3/4 inch rebar found at its intersection with the west right of way line of Craft Road (Book 508, Page 740);
- Thence run along the Craft Road right of way line, South 05 degrees 24 minutes 34 seconds West a distance of 79.66 feet to a 1/2 inch rebar set its intersection with the apparent northly right of way line of Byhalia Road, said point being 40.00 feet northerly of the centerline of the existing paved public road;
- Thence along said apparent north right of way line of Byhalia Road, being parallel to and 40 feet from its existing centerline, South 89 degrees 37 minutes 36 seconds West a distance of 366.39 feet, to the **Point of Beginning**, containing 0.71 acres, more or less, and situated in the Southwest Quarter of the Southwest Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.